

No. 104/33/2024-AVD-IA
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel & Training

North Block, New Delhi
Dated the 9th October 2024

OFFICE MEMORANDUM

Subject:- Revised Guidelines regarding grant of 'Vigilance Clearance' to AIS Officers & Central Civil Services/Central Civil posts.

D/o Personnel & Training (DoPT) has from time to time issued instructions / guidelines regarding grant of Vigilance Clearance to AIS officers & Central Civil Services/Central Civil posts. An effort has been made to revise the said guidelines for better understanding and guidance.

Part A-Grant of Vigilance Clearance to AIS Officers

2. These orders shall be applicable to vigilance clearance with respect to:

- (i) Inclusion in the offer list
- (ii) Empanelment
- (iii) Ex-India study leave
- (iv) Cases of inter-cadre transfer and extension thereof
- (v) Any deputation, including inter-cadre deputation and extension thereof
- (vi) Appointments to sensitive posts
- (vii) Assignments to training programmes except mandatory training
- (viii) Confirmation in service
- (ix) Retirement on VRS where the Central Government is the competent authority for consideration of the case
- (x) Post-retirement commercial employment
- (xi) Pre-mature repatriation (voluntary)

In all these cases, the vigilance status may be placed before and considered by the Competent Authority before a decision is taken.

3. Vigilance clearance shall be denied on the following grounds:

- (a) (I) A complaint has been received against the officer and it has been established by the concerned Government on the basis of at least a

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preliminary inquiry as stipulated in para 6 of DoPT OM No. 104/76/2024-AVD-IA dated 09.10.2024 *Consolidated guidelines regarding handling of complaints in Ministries/ Departments/Organizations/State Governments*; or on the basis of any information that the concerned Government may already have in its possession, that there is prima facie substance to verifiable allegations regarding acts of an officer that involve a vigilance angle, such as:

- (i) Corruption, including demanding and/or accepting gratification other than legal remuneration in respect of an official act or for using his/her influence with any other official; or obtaining a valuable thing, without consideration or with inadequate consideration from a person with whom he/she has or is likely to have official dealings or his subordinates have official dealings or where he can exert influence; or obtaining for himself/herself or for any other person any valuable thing or pecuniary advantage by corrupt or illegal means or by abusing his position as a public servant.
- (ii) Possession of assets disproportionate to known sources of income
- (iii) Involvement in cases of misappropriation, forgery or cheating or other similar criminal offences
- (iv) Moral turpitude
- (v) Violation of AIS Conduct Rules, 1968

(II) Vigilance clearance shall be granted if preliminary inquiry, if so required, and as envisaged at (I) above is not initiated by the concerned Government within three months from the date of receipt of the complaint, or if the preliminary inquiry after initiation remains pending for more than three months without completion.

- (b) The officer is under suspension.
- (c) The officer is on the Agreed List, provided that in all such cases the position shall be mandatorily revisited after a period of one year.
- (d) Disciplinary proceedings have been initiated against the officer as per the approval of the Disciplinary Authority with the issuing of the chargesheet and the proceeding is pending.
- (e) Orders for instituting a criminal case or sanction for investigation/enquiry/inquiry against the officer have been approved by the Disciplinary Authority/ Government and the charge sheet is served within three months.

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- (f) Chargesheet has been filed in a Court by the Investigating Agency in a criminal case and the case is pending.
- (g) Sanction for prosecution has been granted by the Competent Authority in a case under the Prevention of Corruption Act, 1988 (as amended in 2018) or any other criminal matter and the case is pending in the trial court.
- (h) The officer is involved in a trap/raid case on charges of corruption and investigation is pending.
- (i) After investigation on an FIR filed on the basis of a private complaint, a charge sheet against the officer has been filed by the Investigating Agency in the Court.
- (j) An FIR has been filed or a case registered by the concerned Government against the officer, provided that the charge sheet is served within three months from the date of filing/registering the FIR/case.
- (k) The officer fails to submit annual Immovable Property Return of the previous year latest by 31st January of the current year, as required under Rule 16 of the All India Services (Conduct) Rule, 1968.
- (l) In cases where a minor penalty has been imposed on an officer, vigilance clearance will not be granted for a period of three year after the currency of the penalty. In cases where a major penalty has been imposed on an officer, vigilance clearance will not be granted for a period of five years after the currency of the punishment. After the currency of the penalty, the performance of the officer should be closely watched and vigilance clearance will continue to be denied if the name of the officer is included in the Agreed List or ODI List.

4. Vigilance clearance shall be decided on a case by case basis by the competent authority keeping in view the sensitivity of the purpose, gravity of the allegations/charges and facts and circumstances, in the following situations:

- (a) Where a pre-investigation enquiry undertaken by any investigating agency against the officer in a criminal matter remains pending for more than three months.

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- (b) Where the investigating agency has not been able to complete its investigations and file charges even after a period of two year from the date of initiation of investigation. However, such vigilance clearance will entitle the officer to be considered only to be appointed to non-sensitive posts and premature repatriation to the cadre and not for the other matters of the dispensation listed in Paragraph-2 above. Ministries/Departments will identify sensitive posts within their organizations forthwith. All posts of Joint Secretary and above (not equivalent) in the Ministries/Departments shall be treated as sensitive, inter alia.
- (c) In cases where the Investigating Agency or the competent authority recommends closure of the case, but the closure of the case/FIR is not permitted by the Court.
- (d) In cases where the Investigating Agency/IO holds the charges as proved but the State Government differs on the converse.

5. While considering cases for grant of vigilance clearance for the purpose of empanelment of AIS officers, the vigilance status will continue to be ascertained also from the respective State Governments. In respect of officers serving in connection with the affairs of the Central Government, the vigilance status will be obtained from the respective Ministry/Department as well. The comments of the CVC will also be obtained for all cases of empanelment of AIS officers.

6. The vigilance clearance will be issued with the approval of Head of Vigilance Division for officers upto the level of Deputy Secretary/Director in the Ministry/Department. For Joint Secretary/Additional Secretary/Secretary, vigilance clearance will be issued with the approval of the Secretary. In case of doubt, orders of Secretary in the Ministry/Department concerned will be obtained keeping in view the purpose for which 'vigilance clearance' is required to be given.

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Part B- Grant of Vigilance Clearance to members of Central Civil Services/Central Civil posts

7. These orders shall be applicable to vigilance clearance with respect to:

- (i) Inclusion in the offer list
- (ii) Empanelment
- (iii) Ex-India study leave
- (iv) Any deputation for which clearance is necessary and extension thereof
- (v) Appointments to sensitive posts
- (vi) Assignments to training programmes except mandatory training
- (vii) Confirmation in service
- (viii) Retirement on VRS
- (ix) Post-retirement commercial employment
- (x) Pre-mature repatriation (voluntary) from any deputation

In all these cases, the vigilance status may be placed before and considered by the Competent Authority before a decision is taken.

8. Vigilance clearance shall be denied on the following grounds:

(a) (I) A complaint has been received against the officer and it has been established by the concerned Government on the basis of at least a preliminary inquiry as stipulated in para 6 of DoPT OM No. 104/76/2024-AVD-IA dated 09.10.2024 *Consolidated guidelines regarding handling of complaints in Ministries/ Departments/Organizations/State Governments*; or on the basis of any information that the concerned Government may already have in its possession, that there is prima facie substance to verifiable allegations regarding acts of an officer that involve a vigilance angle, such as:

- (i) Corruption, including demanding and/or accepting gratification other than legal remuneration in respect of an official act or for using his/her influence with any other official; or obtaining a valuable thing, without consideration or with inadequate consideration from a person with whom he/she has or is likely to have official dealings or his subordinates have official dealings or where he can exert influence; or obtaining for himself/herself or for any other person any valuable thing or pecuniary advantage by corrupt or illegal means or by abusing his position as a public servant.
- (ii) Possession of assets disproportionate to known sources of income
- (iii) Involvement in cases of misappropriation, forgery or cheating or

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other similar criminal offences

- (iv) Moral turpitude
- (v) Violation of CCS (Conduct Rules), 1964

(II) Vigilance clearance shall be granted if preliminary inquiry, if so required, and as envisaged at (I) above is not initiated by the concerned Government within three months from the date of receipt of the complaint, or if the preliminary inquiry after initiation remains pending for more than three months without completion.

- (b) The officer is under suspension.
- (c) The officer is on the Agreed List, provided that in all such cases the position shall be mandatorily revisited after a period of one year.
- (d) Disciplinary proceedings have been initiated against the officer as per the approval of the Disciplinary Authority with the issuing of the chargesheet and the proceeding is pending.
- (e) Orders for instituting a criminal case or sanction for investigation/enquiry/inquiry against the officer have been approved by the Disciplinary Authority/ Government and the charge sheet is served within three months.
- (f) Chargesheet has been filed in a Court by the Investigating Agency in a criminal case and the case is pending.
- (g) Sanction for prosecution has been granted by the Competent Authority in a case under the Prevention of Corruption Act, 1988 (as amended in 2018) or any other criminal matter and the case is pending in the trial court.
- (h) The officer is involved in a trap/raid case on charges of corruption and investigation is pending.
- (i) After investigation on an FIR filed on the basis of a private complaint, a charge sheet against the officer has been filed by the Investigating Agency in the Court.
- (j) An FIR has been filed or a case registered by the concerned Government against the officer, provided that the charge sheet is served within three months from the date of filing/registering the FIR/case.

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- (k) The officer fails to submit annual Immovable Property Return of the previous year latest by 31st January of the current year, as required under Rule 18 of the CCS (Conduct) Rule, 1964.
- (l) In cases where a minor penalty has been imposed on an officer, vigilance clearance will not be granted for a period of three year after the currency of the penalty. In cases where a major penalty has been imposed on an officer, vigilance clearance will not be granted for a period of five years after the currency of the punishment. After the currency of the penalty, the performance of the officer should be closely watched and vigilance clearance will continue to be denied if the name of the officer is included in the Agreed List or ODI List.

9. Vigilance clearance shall be decided on a case by case basis by the competent authority keeping in view the sensitivity of the purpose, gravity of the allegations/charges and facts and circumstances, in the following situations:

- (a) Where a pre-investigation enquiry undertaken by any investigating agency against the officer in a criminal matter remains pending for more than three months.
- (b) Where the investigating agency has not been able to complete its investigations and file charges even after a period of two year from the date of initiation of investigation. However, such vigilance clearance will entitle the officer to be considered only to be appointed to non-sensitive posts and premature repatriation to the cadre and not for the other matters of the dispensation listed in Paragraph-7 above. Ministries/Departments will identify sensitive posts within their organizations forthwith. All posts of Joint Secretary and above (not equivalent) in the Ministries/Departments shall be treated as sensitive, inter alia.
- (c) In cases where the Investigating Agency or the competent authority recommends closure of the case, but the closure of the case/FIR is not permitted by the Court.
- (d) In cases where the Investigating Agency/IO holds the charges as proved but the Competent Administrative Authority differs on the converse.

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10. While considering cases for grant of vigilance clearance for the purpose of empanelment of members of Central Civil Services/Central Civil posts, the vigilance status will continue to be ascertained also from the respective Cadre Authority. The comments of the CVC will also be obtained for all cases of empanelment of members of Central Civil Services/Central Civil posts.

11. The vigilance clearance will be issued with the approval of Head of Vigilance Division for officers upto the level of Deputy Secretary/Director in the Ministry/Department. For Joint Secretary/Additional Secretary/Secretary, vigilance clearance will be issued with the approval of the Secretary. In case of doubt, orders of Secretary in the Ministry/Department concerned will be obtained keeping in view the purpose for which 'vigilance clearance' is required to be given.

12. Insofar as the personnel serving in the Indian Audit and Accounts Department are concerned, these instructions have been issued after consultation with the Comptroller and Auditor General of India.

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(Rupesh Kumar)

Under Secretary to Govt. of India

To,

1. All Ministries/Departments of Government of India
2. NIC with a request to upload the OM on the website of DoPT